
A BILL FOR AN ACT

RELATING TO PROTECTION OF FOREST RESERVES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 183, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 **"§183- General administrative penalties, fines, costs.**

5 (a) Except as otherwise provided by law, the board or its
6 authorized representative may, by any one or a combination of
7 the following:

8 (1) Set, charge, and collect administrative fines;

9 (2) Recover administrative fees and costs as documented by
10 receipts or affidavits, including attorney's fees and
11 costs;

12 (3) Recover costs associated with land or habitat
13 restoration; or

14 (4) Bring legal action to recover administrative fines,
15 fees, and costs, including attorney's fees and costs,
16 resulting from a violation of this chapter or any rule adopted
17 thereunder, or any license or permit issued pursuant to this
18 chapter.



- 1 (b) The administrative fines shall be as follows:
- 2 (1) For a first violation, or any violation not preceded
3 within a five-year period by a violation of chapter
4 183, a fine of not more than \$2,500 per violation;
- 5 (2) For a second violation within five years of a previous
6 violation, a fine of not more than \$5,000 per
7 violation; and
- 8 (3) For a third or subsequent violation within five years
9 of the last violation, a fine of not more than \$10,000
10 per violation.

- 11 (c) In addition:
- 12 (1) A fine of up to \$10,000 per violation of section 183-
13 17 may be levied for each destroyed or harvested koa
14 tree, or portion thereof, larger than six inches in
15 diameter at ground level; and
- 16 (2) A fine of up to \$2,000 per violation of section 183-17
17 may be levied for each destroyed or harvested tree or
18 plant, other than koa, or portion thereof, larger than
19 six inches in diameter at ground level.

20 (d) Any criminal prosecution for any violation of this
21 chapter or any rule adopted thereunder shall not be deemed to
22 preclude the State from bringing a civil legal action to recover

1 additional administrative fines, fees, and costs, including
2 attorney's fees and costs."

3 SECTION 2. Section 183-18, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§183-18 [Penalty.]~~ Criminal penalties. Any person who
6 violates section 183-17, upon conviction thereof, is guilty of a
7 misdemeanor and shall be fined not more than [~~\$1,000~~] \$2,000 or
8 imprisoned not more than one year, or both~~[-]~~; provided that an
9 additional fine of up to \$2,000 shall be levied for each tree
10 illegally taken under section 183-17."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.



H.B. 2395 H.D.1

Report Title:

Conservation; forests

Description:

Establishes administrative penalties for violations of the forest reserve, water development, and zoning law. Increases and adds fines for timber trespass. (HB2395 HD1)

HB2395 HD1 HMS 2006-2087

